IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

WP(C).No. 30970 of 2006(J)

PETITIONER:

WESTERN INDIA CASHEW COMPANY PVT. LTD.,
P.B.NO.75, BEACH ROAD, KOLLAM-691 001,
REP. BY ITS DIRECTOR,
HARIKRISHNAN R.NAIR.

BY ADV. SRI.RAJA VIJAYARAGHAVAN
SRI.R.RENJITH

RESPONDENTS:
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1. STATE OF KERALA,
REP. BY ITS SECRETARY,
DEPARTMENT OF HOME, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE SUPERINTENDENT OF POLICE,
KOLLAM.

3. THE CIRCLE INSPECTOR OF POLICE,
KARUNAGAPPALLY.

4. THE KERALA KASUVANDI THOZHILALI CONGRESS
I.N.T.U.C., STADIUM , K.S.PURAM,
KARUNAGAPPALLY, REP. BY ITS SECRETARY.

5. THE KARUNAGAPPALLY TALUK CASHEW NUT
WORKERS UNION, C.T.U.C.,
H.O.PUTHENTHERUVU, REP. BY ITS GENERAL SECRETARY.

6. THE KARUNAGAPPALLY TALUK CASHEW NUT
WORKERS COUNCIL, A.I.T.U.C., ADINADU,
ADINADU NORTH, P.O., KARUNAGAPPALLY,
REP. BY ITS GENERAL SECRETARY.

BY ADV. SRI.A.N.RAJAN BABU
SMT.K.SUNITHA VINOD
SRI.B.KRISHNA MANI
SRI.JOSEPH T.JOHN
GOVT.PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE MEMORANDUM OF SETTLEMENT DATED 10.8.2006 ARRIVED AT BY THE MANAGEMENT AND THE UNION.

EXT.P2: COPY OF THE NOTICE DATED 25.10.2006 ISSUED BY THE PETITIONER TO THE VARIOUS UNIONS.

EXT.P3: COPY OF THE NOTICE DATED 30.10.2006 ISSUED TO THE PETITIONER BY THE VARIOUS UNIONS.

EXT.P4: PHOTOGRAPHS SHOWING THE DAMAGES CAUSED BY THE ANTISOCIAL ELEMENTS ON 31.10.2006.

EXT.P5: COPY OF THE FIR IN CRIME NO.1182/2006 OF THE KARUNAGAPPALLY POLICE STATION DATED 31.10.2006.

EXT.P6: COPY OF THE REPRESENTATION GIVEN BY THE PETITIONER TO THE 2ND RESPONDENT DATED 6.11.2006.

J.B.KOSHY & K.PADMANABHAN NAIR, JJ.

W.P.(C).NO.30970 OF 2006 (J)

Dated this the 5th day of December, 2006

J U D G M E N T

KOSHY,J.

This is a petition for police protection. Petitioner is engaged in the business of purchase, processing, export/sale of cashew nuts. With regard to the work in the factory and rate of wages, there is Ext.P1 conciliation settlement. No doubt, conciliation settlement is binding on the management as well as the employees. If there is any dispute by the respondent that they are not paying wages as per the settlement or below the minimum wages, the contesting unions can approach the labour authorites and take appropriate action. But we are not going through the specific allegation mentioned in the writ petition. Police is directed to see that work of the establishment is not obstructed and necessary protection should be granted for functioning of the company without any hindrance from any persons. Police shall see that ingress and egress of willing employees, staff management employees and

customers, their vehicles are not obstructed. It is true that peaceful agitation can be conducted by the unions but it should not be inside the factory and it should be 50 metres away from the factory gate. With the above observations this writ petition is disposed of.

J.B.KOSHY, JUDGE

K.PADMANABHAN NAIR, JUDGE

prp

J.B.KOSHY & K.PADMANABHAN NAIR, JJ.

O.P.NO. OF 2006 ()

J U D G M E N T

17th November, 2006